Secta. II-27—100,000—21-4-52.

Development (195/48) Department.

MS SERIES.

G.O. No. 29 28

Dated 1-6-48

[Despatch Abstract.]

ACTs : FACTORIES (MADRAS AMENDMENT) ACT 1941 - PASSED UNDER SECTION 88 SITUATION : RE-ENACTING OF : PAPERS RECORDED.

DEVELOPMENT DEPARTMENT.

Memorandum under secretariat instruction 32 (2).

Sub: ADTS - The Factories (Madras Amndment) Act, 1941 (Madras Act VI of 1941) - Re-enactment of.

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Under section 51 of the Factories Act, 1934 (Central Act XXV of 1934), no child above 12 and no adolesence (that is, a person who has completed his fifteenth but has not completed his seventeenth year) shall be allowed to work in any factory, unless a certificate of fitness is obtained from a certifying surgeon. Section 52 provided for the examination and certification of such children and adolescents without any restriction whatever, either on their own application or on that of their parents or guardians or on the application of the Manager of the factory in which they wish to work. As no fee is payable for such examination and certification, certifying surgeons have to be appointed mainly from among the ranks of Government Medical Officers. These have often more work than they can efficiently perform and the examination of children and adolescent who have little or no prospect of employment needlessly increases work without any compensating advantage. It was therefore proposed to restrict the examination of children and adolescents on their own application or on that of their parents or guardians, to those cases where they are able to produce a certificate from the Manager of the Factory that they would be employed in the factory if a certificate of fitness is granted to them.

2. A draft Bill was accordingly prepared and was published for eliciting Public opinion in the Fort St. George Gazette dated 29th October 1940 and one month's time was given for the receipt of objections and suggestions with respect to the Bill. Objection was received only from the Employers' Federation of Southern India. The objection was that the employer will have first to select a child or adolescent and await the result of the medical examination. If the medical examination is adverse, the employer will then have to make a further selection of a likely employee and again refer his choice to the certifying surgeon and await the result. This would mean a delay from the employer's point of view. The objection was over-ruled since the amendment did not preclude the right of the employer from sending three or four young persons at a time to the certifying surgeon with the necessary documents and selecting any one who is declared fit. The Amending Act received the assent of His Excellency the Governor on the 9h February ~~1941~~ 1941.

3. This Act, like other Acts passed during the Section 93 situation, will cease to be in force on 30th April 1948, unless it is re-enacted.

4. This legislation falls under item 26 of the concurrent legislative list and is intra vires the Provincial Legislature.

5. Orders are solicited whether legislation for re-enacting this amending act without modifications may be undertaken.

W.R.S. SATTIANATHAN
Secretary to Government.
1-8-1947.

DEVELOPMENT DEPARTMENT.

The Madras Re-enacting (No.II) Act, 1948*at pp 19-20 c.f. may be perused. The Factories (Madras Amendment) Act, 1941 enacted under Section 93 regime has been permanently re-enacted along with other Acts, vide the first schedule on p.20 c.f. It received the assent of the Governor-General on 24th April 1948 and was first published in Fort St. George Gazette dated the 28th April 1948.** The Act came into force from 29th April 1948. No further action is called pending in th ese papers and may be recorded as (Ms) GeO.

C.P.M/31.5.48

Abstract

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ACTS - Factores (Madras Amendment) Act, 1941 - Passed under Section 93 situation - Re-enacting of - Papers - Recorded.

** The Act was published in the Fort St.George Gazette dated 29th April 1948.

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.

8/9.